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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,543	10/13/2000	Masayuki Ohbayashi	7217/62641 8898	
7590 05/02/2005			EXAMINER	
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			ART UNIT	PAPER NUMBER
			2132	
			DATE MAILED: 05/02/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	09/687,543				
Office Action Summary		OHBAYASHI, MASAYUKI			
	Examiner	Art Unit			
The MAILING DATE of this communication ap	Samson B. Lemma	2132			
Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status					
1)⊠ Responsive to communication(s) filed on <u>13 October 2000</u> .					
2a) ☐ This action is FINAL . 2b) ☐ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4)⊠ Claim(s) <u>1-21</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>1-21</u> is/are rejected. 7)□ Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/	or election requirement				
Application Papers					
9) The specification is objected to by the Examiner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:					
1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)					
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	5) Notice of Informal 6) Other:	Patent Application (PTO-152)			
U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Office A	Action Summary P	Part of Paper No./Mail Date 04242005			

DETAILED ACTION

This office action is in replay to an amendment filed on January 26, 2005.
 Claims 1 and 21 have been amended and claims 1-21 are pending in the application.

Response to Argument

 Applicant's remark/arguments filed on January 26, 2005 have been fully considered but they are not persuasive.

Applicants amended the independent claims 1 and 21, and added a new limitation which was not part of the original claims. Applicant amended claim 1 and changed/added the previous limitation. The amended limitation part of claim 1 is recited as follows, "...transforming means for transforming said predetermined value based on a formula which is unique to said recording and/or reproducing apparatus" and "control means for controlling storage of said transformed predetermined value in said management area of said storage means."

On the independent claim 21, applicant amended claim 21 and changed/added the following limitation. The amended limitation part of claim 21 is recited as follows "A method for use in a recording and/or reproducing apparatus including storage means having a management area and data area, the method comprising the steps of: " and storing said transformed predetermined value in said management area of said storage means."

Applicant's argument has been considered one by one.

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Applicant's first argument is regarding the independent claims 1 and 21

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Applicant's argument is based on the amended claims and argued that the newly added limitation shown above which is added on the independent claims is not suggested/discussed by the references on the record, namely Takenaka.

Applicants wrote the following in support of his argument "Looking at Takenaka et al we see that there is no transforming means for transforming the predetermined value based on the a formula which is unique to the apparatus. Takanaka et al is merely encrypting a key generated based on the postional information."

Examiner disagrees with the above argument.

Before the detail response to the argument, Examiner would clarify his interpretation of the recited claims of the applicants with respect to the reference on the record, namely **Takanaka** as follows.

The "storage means" recited by the applicant is interpreted by the office as the storage shown on figure 7, which has a "management area" which is interpreted by the office as the data portion shown on figure 7 and the "data area" which is recited by the applicant is interpreted by the office as the combination of the "data management portion" and the "file-name management portion" which is also show on figure 7.

"A predetermined value" which is generated by generating means recited by the applicant is interpreted by the office as the "positional-information" shown on figure 17, ref. Num "K", which is generated by storage position deciding means as explained on column 1, lines 64-column 2, line 5.

The following response to the applicant argument is based on the Examiner's interpretation.

In response to the applicant's argument the Examiner would point out that with respect to the following amended part of limitation of claim recited as follows. "Transforming means for transforming said predetermined value based on a formula which is unique to said recording and/or reproducing apparatus" Takenaka discloses Transforming means [Encryption, "using secret key" shown on figure 17] for transforming said predetermined value; [figure 17, ref. Num "K"] based on a formula which is unique to said recording and/or reproducing apparatus" [figure 17, ref. Num "Secret key"] [See also column 8, lines 65-Column 9, lines 11] (The positional-information item k identifying the area in which the data should be stored in the data portion which is interpreted by the office as the "management area" is acquired (S62). The positional-information item k acquired in step S62 is added to the data (the machine specific information (S63), and information C(k) is then generated based on the positional-information item k (S64), the secret key is undoubtedly unique since it produced based on the machine specific information which is unique since it is generated randomly as explained on column 5, lines 36-42 and positional information which is unique too. Data (DATA+k) into which the data (the machine specific information) and the positional-information item k are integrated is encrypted by using the information C(k) as a secret key (S65), and this secret key is unique as explained above. The encrypted data Ec(k)(DATA+k) is stored in the area identified by the positional-information item k in the data portion which is interpreted by the office as the "management area" of the storage unit 20 (S66)].

Therefore, the formula or the encryption used for transforming is done by the secret key shown on figure 17, ref. Num "c(k)" is unique to the recording/reproducing apparatus as explained above.

The next limitation which is added to the limitation is recited as follows "...storage of transformed predetermined value in said management area of said storage means" is also disclosed by **Takenaka**, since the feature is shown on figure 17, and column 9, lines 7-10] (The encrypted data Ec(k)(DATA+k) is stored in the area identified by the positional-information item k in the data portion which is interpreted by the office as the "management area" of the storage unit 20 (S66)).

Applicant's second argument is again regarding claims 1-21

The argument raised by the applicant is based on the comparison of the advantages that application provides over the reference on the record, namely Takenaka.

It is argued by the applicant that the reference on the record, namely Takenaka et al system offers a weaker copy protection system than the one offered by the presently claimed invention.

In response to the above argument by the applicant, the Examiner point out the following.

Advantages that could be provided by the invention over the prior art cannot be read into the claims. In fact, though the advantage of the invention is implicitly/inherently assumed to be described in the specification by the applicant, the specification is not the measure of the invention. Therefore, limitations contained therein/assumed to be contained therein cannot be read into the claims for the purpose of avoiding the prior art. (See In re Sporck, 55 CCPA 743, 386 F 2d 924, 155 USPQ 687 (1968))

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Applicant's third argument is regarding the dependent claims.

Applicants argued that the since the independent claims are patentable therefore all the claims dependent thereon are also in condition for allowance for the same reasons argued for the independent claims 1 and 21.

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In response to the above argument by the applicant, the examiner response discussed to the independent claims 1 and 21 mentioned above is also valid towards this argument.

Applicant last argument is regarding the dependent claims 6, 9-10 and 14, 16-18.

Applicants argued the following "There is no features in the secondary references used by the examiners namely Koyata for claims 6, 9-10 and Abe et al, used for claims 14 and 16-18, which somehow could be combined with Takenaka et al the primary reference on the record and the result is the presently claimed invention."

Examiner disagrees with the above argument.

In response to the above argument by the applicant, the examiner response discussed to the independent claims 1 and 21 mentioned above is also valid towards this argument.

Therefore all the **elements of the limitations of claim 1-21** is explicitly or implicitly suggested and disclosed by the references on the records.

The rejections remains to be valid unless and otherwise the claims are further amended to introduce/include some elements of the application with out adding new matters and that are not taught/described/suggested/disclosed by the references on the record.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 4. Claims 1-5.7-8.12-13.15.19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Takenaka el al (hereinafter referred as Takenaka) (U.S. Patent No 5,917,908)
- 5. As per claim 1 and 11, Takenaka discloses a recording and /or reproducing apparatus comprising:
 - Storage means having a management area and a data area; (column 5, lines 45-54; figure 7, reference "data management portion" and "file-name management portion" which together is interpreted by the office as the "data area" and "data protion" which is interpreted by the office as the "management area")

• Generating means for generating a predetermined value; (Column 1, lines 64- column 2, lines 5; column 5, lines 35-44; figure 17, ref. Num "K")("a positional-information predetermined value decided or generated by the storage position deciding means is interpreted by the office as the a "predetermined value")

Transforming means [Encryption, "using secret key" shown on figure 17] for transforming said predetermined value; [figure 17, ref. Num "K"] based on a formula which is <u>unique to</u> said recording and/or reproducing apparatus" [figure 17, ref. Num "Secret key"] [See also column 8, lines 65-Column 9, lines 11] (The positional-information item k identifying the area in which the data should be stored in the data portion which is interpreted by the office as the "management area" is acquired (S62). The positional-information item k acquired in step S62 is added to the data (the machine specific information (S63), and information C(k) is then generated based on the positional-information item k (S64), the secret key is undoubtedly unique since it produced based machine specific information which is unique since it is generated randomly as explained on column 5, lines 36-42 and positional information which is unique too. Data (DATA+k) into which the data (the machine specific information) and the positional-information item k are integrated is encrypted by using the information C(k) as a secret key (S65), and this secret key is unique as explained above. The encrypted data Ec(k)(DATA+k) is stored in the area identified by the positional-information item k in the data portion which is interpreted by the office as the "management area" of the storage unit 20 (S66). Therefore, the formula or the encryption used for transforming is done by the secret key shown on figure 17, ref. Num "c(k)" is **unique** to the recording/reproducing apparatus as explained above.];

• Control means for controlling storage [column 1, lines 64-67] of said transformed predetermined value in said management area of said storage means. (Column 1, 64-67; figure 17, and column 9, lines 7-10] (The encrypted data Ec(k)(DATA+k) is stored in the area identified by the positional-information item k in the data portion which is interpreted by the office as the "management area" of the storage unit 20 (S66)).

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6. As per claim 21, Takenaka discloses a method for use in a recording and/or reproducing apparatus including storage means having a management area and data area, (column 5, lines 45-54; figure 7, reference "data management portion" and "filename management portion" which together is interpreted by the office as the "data area" and "data protion" which is interpreted by the office as the "management area")

The method comprising the steps of:

- Generating a predetermined value; (Column 1, lines 64- column 2, lines 5; column 5, lines 35-44, figure 17, ref. Num "K")("a positional-information predetermined value decided or generated by the storage position deciding means is interpreted by the office as the a "predetermined value")
- Transforming [Encryption, "using secret key" shown on figure 17] for transforming said predetermined value; [figure 17, ref. Num "K"] based on a formula which is unique to said recording and/or reproducing apparatus" [figure 17, ref. Num "Secret key"] [See also column 8, lines 65-Column 9, lines 11] (The positional-information item k identifying the area in which the data should be stored in the data portion which is interpreted by the office as the "management area" is acquired (S62). The positional-information item k acquired in step S62 is added to the data (the machine specific information (S63), and information C(k) is then generated based on the positional-

information item k (S64), the secret key is undoubtedly unique since it produced based machine specific information which is unique since it is generated randomly as explained on column 5, lines 36-42 and positional information which is unique too. Data (DATA+k) into which the data (the machine specific information) and the positional-information item k are integrated is encrypted by using the information C(k) as a secret key (S65), and this secret key is unique as explained above. The encrypted data Ec(k)(DATA+k) is stored in the area identified by the positional-information item k in the data portion which is interpreted by the office as the "management area" of the storage unit 20 (S66). Therefore, the formula or the encryption used for transforming is done by the secret key shown on figure 17, ref. Num "c(k)" is unique to the recording/reproducing apparatus as explained above.]; and

- Storing said transformed predetermined value in said management area of said storage means [Figure "17" and column 9, lines 7-10] (The encrypted data Ec(k)(DATA+k) is stored in the area identified by the positional-information item k in the data portion which is interpreted by the office as the "management area" of the storage unit 20 (S66)).
- As per claim 2, Takenaka discloses a recording and /or reproducing apparatus as applied to claim 1, above. Furthermore Takenaka discloses initializing means for initializing said first storage means so that said storage means has said management area and said data area, wherein said generating means generates said predetermined value when said initialization is performed. (column 5, lines 45-54; figure 7, reference "DATA MANAGEMENT PORTION" and "DATA PORTION"; Column 1, lines 64- column 2, lines 5; column 5, lines 35-44)

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8. As per claim 3, Takenaka discloses a recording and /or reproducing apparatus as applied to claim 1, above. Furthermore Takenaka discloses the apparatus wherein said transforming means mapping-transforms said predetermined value. (Column 1, lines 64- column 2, lines 5; column 5, lines 35-44; figure 6, ref. Num "S116"; Column 5, lines 61- column 6, lines 15 ("a positional-information predetermined value decided or generated by the storage position deciding means is interpreted by the office as the a "predetermined value";

- 9. As per claim 4, Takenaka discloses a recording and /or reproducing apparatus as applied to claim 1, above. Furthermore Takenaka discloses the apparatus wherein said control means controls storage of said transformed predetermined value into said management area of said storage means. (Figure 6, ref. Num "S 116" and ref. Num "S 117")
- 10. As per claim 5, Takenaka discloses a recording and /or reproducing apparatus as applied to claim 4, above. Furthermore Takenaka discloses the apparatus wherein said storage means comprises first storage means and further comprising:
- Second storage means for storing said transformed predetermined value;
 (Figure 6, ref. Num "S117")
- First read-out means for reading-out said transformed predetermined value stored in said management area of said first storage means, (Figure 10)
- Inverse-transforming means for inverse-transforming said transformed
 predetermined value stored in said management area of said first storage means, where
 an inverse-transform of said inverse-transforming means corresponds to said transform

performed by said transforming means, second read-out means for reading-out said transformed predetermined value stored in said second storage means, comparing means for comparing an inverse-transformed value of said inverse-transforming means with said transformed predetermined value read out from said second read-out means, and authenticating means for performing authentication based on a comparison result of said comparing means. (Figure 10, figure 11)

- 11. As per claim 7, Takenaka discloses a recording and /or reproducing apparatus as applied to claim 5, above. Furthermore Takenaka discloses the apparatus wherein said first read-out means reads out a value stored in said management area when said first storage means is accessed (figure 11, ref. Num "S 213")
- 12. As per claim 8 Takenaka discloses a recording and /or reproducing apparatus as applied to claim 1 above. Furthermore Takenaka discloses the apparatus wherein said generating means generates an address based on information from said ... management area, and said transforming means transforms said address. (figure 8; column 5, lines 35-45)
- 13. As per claim 12, Takenaka discloses a recording and /or reproducing apparatus as applied to claim 5, above. Furthermore Takenaka discloses the apparatus wherein read-out means for reading-out a value from said second storage means; and inverse-transforming means for inverse-transforming said read-out value, said inverse-transform corresponding to said transform performed by said transforming means, wherein said control means controls rearranging said data stored in said First storage means in said predetermined units according to said inverse-transformed value. (Figure 10)

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14. As per claim 13, Takenaka discloses a recording and /or reproducing apparatus as applied to claim 5, above. Furthermore Takenaka discloses the apparatus wherein said control means controls rearranging said data in units of blocks according to said predetermined value and storing said rearranged data in said storage means.

(Figure 7)

- 15. As per claim 15, Takenaka discloses a recording and /or reproducing apparatus as applied to claim 5, above. Furthermore Takenaka discloses the apparatus further comprising: receiving means for receiving data from an external source, wherein said storage means stores said transformed predetermined value and said control means controls rearranging said received data in processing units according to said predetermined value and storing said rearranged data in said storage means. (Figure 8)
- 16. As per claim 19, Takenaka discloses a recording and /or reproducing apparatus as applied to claim 1, above. Furthermore Takenaka discloses apparatus wherein said storage means is managed by a file allocation table. (figure 8)
- 17. As per claim 20, Takenaka discloses a recording and /or reproducing apparatus as applied to claim 1, above. Furthermore Takenaka discloses the apparatus wherein said storage means includes a hard disk. (figure 2, ref. Num "20")

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 19. <u>Claims 6.9-10</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over Takenaka el al (hereinafter referred as Takenaka) (U.S. Patent No 5,917,908) in view of Koyata et al (hereinafter referred to as Koyata) (U.S. Patent No. 6,392,964)
- 20. As per claims 6, Takenaka discloses apparatus according wherein said first read-out means reads out a value stored in said management area of said first storage means.(figure 11, ref. Num "S213")

Takenaka does not explicitly disclose when electric power is supplied to said recording and/or reproducing apparatus by a user.

However, in the same field of endeavor, Koyata discloses the apparatus could be controlled by the battery or electric input/power (figure 1)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, the features of the recording apparatus as per teachings of Kayata in to the method of as taught by Takenaka, in order to provide the functionality to reads out data when power is provided.

21. As per claims 9, Takenaka discloses

- Transforming said predetermined value based on a formula which is characteristic at every recording and/or reproducing apparatus; (figure 6, ref. Num "S116"; Column 5, lines 61- column 6, lines 15) and
- Storing said transformed predetermined value (figure 6, ref. Num "S117")

Takenaka does not explicitly disclose searching means for locating an unused area of said data area of said storage means based on information retrieved from said management area of said storage means; logical-link forming means for forming a logical link from a first cluster number corresponding to said unused area, wherein said transforming means transforms said first cluster number and said control means controls storage of said transformed first cluster number and said logical link in said management area of said storage means.

However, in the same field of endeavor, Koyata discloses how data is recorded or reproduced as a cluster and also how a linking sectors are provided for forming a logical link. (column 9, lines 28-column 10, lines 54).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the searching and logical-link forming method as per teachings of Kayata in to the method of as taught by Takenaka, in order to provide the functionality of store and locate unused area easily and effectively.

22. As per claims 10, the combination of Takenaka and Kayata discloses the Apparatus as applied to claim 9 above. Furthermore Kayato discloses the recording/and/or reproducing apparatus comprising: first read-out means for reading-cut said cluster number and said logical link stored in said management area of said storage means; ((column 9, lines 28-column 10, lines 54). And Takenaka discloses

Inverse-transforming means for inverse-transforming said read cluster number, said inverse-transform corresponding to the transform performed by said transforming means; and second read-out means for reading-out data from said data area of said storage means according to said logical link from a first cluster number, said first cluster number being said inverse-transformed cluster number. (figure 10)

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Claims 14.16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takenaka el al (hereinafter referred as Takenaka) (U.S. Patent No 5,917,908) in view of Abe et al (hereinafter referred to as Abe) (U.S. Patent No. 6,134,378)

24. As per claims 14, 16-18, Takenaka discloses apparatus comprising read-out means for reading-out a value stored in said storage means; and inverse-transforming means for inverse-transforming said read-out value, said inverse-transform corresponding to said transform performed by said transforming means, (figure 10; figure 11)

Takenaka does not explicitly disclose said control means controls rearranging said data stored in said storage means in said processing units according to said inverse-transformed value.

However, in the same field of endeavor, Abe discloses by applying the desired editing processing, detecting means for detecting the material information added to the video signal for forming the predetermined control information based on the material information and the memory means for memorizing the control information. (column 2, lines 46-57)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add the features of applying forming the predetermined control information as per teachings of Abe in to the method of as taught by Takenaka, in order to store data according to desired arrangement.

Conclusion

25. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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04/24/2005

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TECHNOLOGY CENTER 2100